

### **REMARKS/ARGUMENTS**

Applicants thank Examiner Berch for the telephonic interview held on February 21, 2007 with the Applicants' representatives, Eugenia Garrett-Wackowski and Carol Fang. During the telephonic interview, a number of issues were discussed and a number of amendments were proposed that have helped Applicants to address more fully the concerns of the Examiner. The issues discussed during the telephonic interview are set forth below. Applicants thank Examiner Berch for his time and reconsideration of the issues.

Upon entry of the present Amendment, claims 1-42, 44-52 are pending and are currently under examination. The Specification and claims 1, 8, 9 and 44 have been amended as discussed in more detail below. In addition, new composition and method claims 47-52 have been added. No new matter has been added. Accordingly, Applicants request entry of the present Amendment and reconsideration of the application.

Claims 1-4, 6-7, 11-35, 42 and 44-46 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. For the reasons set forth below, this rejection is overcome.

Applicants acknowledge, with appreciation, the Examiner's indication that claims 5, 8-10 and 36-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Rejection Under 35 U.S.C. § 112, Second Paragraph**

Claims 1-4, 6-7, 11-35, 42 and 44-46 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Each of the Examiner's concerns and, in turn, Applicants' responses to those concerns are set forth below.

1. In the Office Action, the Examiner has indicated that an issue regarding the term "cycloalkyl" remains in view of the inclusion of "(cyclohexyl)methyl" and "cyclopropylmethyl." In the Office Action and during the Interview, the Examiner indicated that this rejection can be overcome by amending the specification to delete these terms. In view of

the amendment to the specification, the concern regarding the term "cycloalkyl" is overcome. Accordingly, Applicants urge the Examiner to withdraw this portion of the rejection under 35 U.S.C. § 112, second paragraph.

2. In the Office Action, the Examiner has indicated that an issue regarding the term "heterocycle" remains in view of the inclusion of "heterocyclo-C<sub>0-2</sub>alkyl". In response, Applicants have amended claim 1 by deleting the term "heterocyclo-C<sub>0-2</sub>alkyl" and adding piperidinylethyl substituent as recited in claim 4. In view of the amendment to claim 1, the Examiner's concern regarding the term "heterocycle" is overcome. Accordingly, Applicants urge the Examiner to withdraw this portion of the rejection under 35 U.S.C. § 112, second paragraph.

3. In the Office Action, the Examiner indicated that the third choice in claim 8 is no longer permitted. In response, Applicants have amended claim 8 into an independent claim. In view of the amendment to claim 8, the Examiner's concern regarding the third choice is overcome. Accordingly, Applicants urge the Examiner to withdraw this portion of the rejection under 35 U.S.C. § 112, second paragraph.

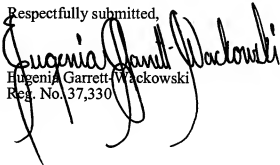
4. In the Office Action and during the Interview, the Examiner indicated that claim 44 depends on a canceled claim, but that this rejection can be overcome by amending claim 44 to be dependent on claim 42. In view of the Amendment to claim 44, this rejection is overcome. Accordingly, Applicants urge the Examiner to withdraw this portion of the rejection under 35 U.S.C. § 112, second paragraph.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

  
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